UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK TO THE PROPERTY OF STATES DISTRICT COURT X RAPHAEL THOMAS, SIMILED STATES DISTRICT COURT X RAPHAEL THOMAS, SIMILED STATES DISTRICT COURT SIMILED STATES DISTRICT COURT AND THOMAS SIMILED STATES DISTRICT COURT SIMILED STATES DISTRICT COURT AND THOMAS SIMILED STATES DISTRICT COURT SIMILED STATES DISTR

Defendants.

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated March 14, 2008 from the Honorable Roanne L. Mann, United States Magistrate Judge. No objections have been filed. Having conducted a <u>de novo</u> review of the record, I hereby adopt the Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1). Accordingly, plaintiff's motion for default judgment is denied, with leave to file and serve a further amended complaint containing sufficient allegations as to Empire Donut's liability.

SO ORDERED.

s/ Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: March 28, 2008 Brooklyn, New York

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cc: Magistrate Judge Roanne L. Mann